

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5621 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SATISHKUMAR AMARSINH CHAVDA

Versus

GUJARAT WATER SUPPLY & SEWAGE BOARD

Appearance:

MR AD MITHANI for Petitioner

MR DG CHAUHAN for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/02/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. Admittedly, the petitioner was given a fixed term appointments and such appointments come to an end by afflux of time on expiry of the period for which it has been given. For termination of such appointments, even the notice is not required to be given nor the order is

required to be passed. Reference in this respect may have to the decision of this Court given in the case of Bhanmati Tapubhai Mulia v. State of Gujarat, reported in 1995(2) GLH 228.

3. The petitioner, during the period of his temporary services, has been arrested in connection with the offence committed by him alongwith other persons, punishable under Section 302 of the Indian Penal Code. It appears that the respondents have, taking it to be a case of a permanent employee, misled themselves and the petitioner, on his arrest in connection with criminal case, has been placed under suspension. In a case where the petitioner was given only fixed term temporary appointments, and if his conduct led to his arrest in a criminal case for the offence punishable u/s.302 of I.P.C., then what for he has been placed under suspension and instead of doing so his term of temporary appointment should not have been extended. The petitioner wanted to take benefit of the aforesaid error committed by respondents and as such he filed this petition praying therein for subsistence allowance in accordance with Rule 151 of the Bombay Civil Service Rules. It is not in dispute that in the criminal case, the petitioner has been convicted for the offence punishable u/s.302 of the I.P.C. and the appeal filed by him against his conviction has also been dismissed by this Court.

4. In view of this fact, I do not find any ground to interfere in the matter and this petition deserves to be dismissed and the same is accordingly dismissed. Rule discharged. No order as to costs.

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(sunil)